

**BEFORE THE STATE ETHICS COMMISSION
STATE OF GEORGIA**

IN THE MATTER OF:

BOB HANNER,

Respondent.

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Case No.: 2002-0072

FINAL ORDER

Following proper notice pursuant to the Administrative Procedure Act, the above-styled matter came before the State Ethics Commission on August 24, 2006. The hearing was held to determine whether it was an ordinary and necessary campaign expense pursuant to O.C.G.A. § 21-5-33(a) for the Respondent to pay his rent for an Atlanta apartment when, during the same time period, the Respondent had also been receiving a *per diem* allowance for his living expenses pursuant to O.C.G.A. § 28-1-8(b).

Additionally, the Commission met to determine whether it was ordinary and necessary campaign expense pursuant to O.C.G.A. § 21-5-33(a) for the Respondent to pay partial car payments with campaign funds rather than claiming mileage reimbursement or actual travel expenses pursuant to O.C.G.A. § 28-1-8(b).¹

As to the apartment rent, the Commission concludes that the payment of a *per diem* to a member of the General Assembly pursuant to the aforementioned statutory provisions should not be considered in determining whether a lodging payment was ordinary and necessary within the meaning of the Ethics in Government Act. The Commission has no authority or jurisdiction to inquire into the allotment or expenditure of funds pursuant to O.C.G.A. § 28-1-8 and will review expenditures pursuant to the

¹ An additional allegation relating to expenditure at George Bagby Park which had been raised for consideration by the Commission was withdrawn prior to the hearing.

Ethics in Government Act independent of those other statutory provisions. Under this standard, the Commission finds that the expenditure was an ordinary and necessary expense for a public officer incurred in connection with the officer's fulfillment and retention of office. O.C.G.A. § 21-5-33(a).

With regard to the car payment issue, the Commission finds that the best and recommended practice for paying for campaign or official use of a personal vehicle is to claim the campaign expenditure based on a standard, recognized mileage rate paid by the mile as documented in relation to campaign or official travel. However, because the Campaign Contribution Disclosure Reports at issue where the auto payments were reported date back to 1998 and because one roundtrip from the Respondent's home town to Atlanta was approximately the same amount as the partial car payments at issue and appears to be an appropriate measure of reimbursement,² the Commission determines that the Respondent should not be sanctioned for his behavior in this instance. The Respondent is cautioned, however, that documentation for ordinary and necessary expenditures of campaign funds, such as mileage or travel reimbursements, should in the future be documented and logically related to either the actual expenses incurred or based upon a recognized mileage rate.

In consideration of the above and foregoing, the instant matter is hereby

DISMISSED.

SO ORDERED, this 21 day of September, 2006, *nunc pro tunc* to August 24, 2006.

² "Each member shall also receive the mileage allowance for the use of a personal car when devoted to official business as provided for in Code Section 50-19-7, for not more than one round trip to and from the member's residence and the state capitol by the most practical route, per calendar week, or portion thereof, during each regular and extraordinary session." O.C.G.A. § 28-1-8(b)(1).

STATE ETHICS COMMISSION

BY:

A handwritten signature in black ink, appearing to read "Jack Williams", written over a horizontal line.

JACK WILLIAMS

Chairman

State Ethics Commission

Order Prepared By:

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